



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,479	02/12/2004	Katsuhito Aoki	HGM-127-A	2304

21828 7590 11/28/2008
CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

EXAMINER

FRISBY, KESHA

ART UNIT	PAPER NUMBER
----------	--------------

3715

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

Office Action Summary	Application No. 10/777,479	Applicant(s) AOKI ET AL.	
	Examiner KESHA FRISBY	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

After the amendment filed on 8/11/2008, claims 1-16 are pending in this application.

Claim Objections

1. Claim 15 is objected to because of the following informalities: in the selector limitation, the claim should read as follows: "... in a running route upon the driving simulation apparatus, ..." in order to overcome the antecedent basis issue. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1, 7, 11 & 15, the examiner recites, "without requiring concurrent input from an outside source". The phrase "outside source" is broader than what the originally filed specification entails because an "outside source" can be anyone or anything. As specified in paragraph 104, an outside source can not be an instruction apparatus for use by an instructor. Paragraph 018, entails

Art Unit: 3715

providing performance evaluation comments on the student's performance, without requiring input from an 'instructor'. Therefore, the claims need to represent that the "outside source" is not anyone or anything. Claims 2-6, 8-10 & 16 are rejected based on their dependency.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the operator" in the selector limitation of the body of the claim. There is insufficient antecedent basis for these limitations in the claims. Claims 2-6 are rejected based on their dependency. In addition, the examiner is unsure whether or not "the operator" is a different operator, such as, instructor or is suppose to be the student operator, or if any at all. This seems to be a problem through out the dependency claims a well.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al. (U.S. Publication Number 2003/0216161), Aoki (JP 2002-297017),**

Art Unit: 3715

Walker et al. (U.S. Publication Number 2003/0033161) and Brink et al. (U.S. Publication Number 2003/0173743).

Referring to claim 1, Busse et al. discloses an interactive driving simulation apparatus (simulation module) which allows a student operator (player) to simulate driving a two-wheeled vehicle (paragraph 0022), wherein said apparatus is operable to display a virtual environment as a screen image on a display unit based on a real-time driving routine of a simulated vehicle by the student operator (paragraph 0023) and a selector which automatically selects performance evaluation comments based on operator input in a simulated driving route sequence, by the driving operation of the operator in a driving route sequence determined in advance in a running route upon the simulation apparatus, without requiring concurrent input from an outside source other than the operator (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023). Busse et al. does not disclose wherein said apparatus is capable of recording a driving route sequence and replaying the driving route sequence on said display unit after the real-time driving routine is completed. However, Aoki et al. teaches wherein said apparatus is capable of recording a driving route sequence (storage means & paragraphs 0012 & 0021) and replaying the driving route sequence on said display unit after the real-time driving routine is completed (paragraphs 0015, 0016, 0022 & 0025). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording and replaying, as disclosed by Aoki et al., incorporated into Busse et al. in order to memorize and review the condition data including the run state of the simulation car in time of simulation. Busse et al./Aoki et al. does not teach wherein the

Art Unit: 3715

display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed written text of performance evaluation comments when the driving route sequence is replayed on said display unit. However, Walker et al. teaches wherein the display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed auditory of performance evaluation comments when the driving route sequence is replayed on said display unit (paragraph 0287). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed auditory of performance evaluation comments when the driving route sequence is replayed on said display unit, as disclosed by Walker et al., incorporated into Aoki et al./Busse et al. in order to provide commentary along with the replay of a relevant portion of the game. Walker et al. does not disclose written text. However, Brink et al. et al. teaches several different types of communicating said comments (claim 14). All of the component parts are known in Walker et al. and Brink et al. et al. The only difference is the combination of the "old elements" into a single device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include written text, as disclosed by Brink et al. et al., incorporated into Aoki/Walker et al. in order to be able to make the game comments accommodating for all users. Also both Walker et al. and Brink et al. et al. teaches methods for producing commentary, it would have been obvious to one skilled in the art to substitute one

Art Unit: 3715

method for the other to achieve the predictable result of making the game comments accommodating for all users.

Referring to claim 2, Busse et al., as modified by Aoki et al., Walker et al. and Brink et al., discloses wherein said selector selects only a scene at which an unsafe action was performed by the operator within the simulated driving route sequence, and matches performance evaluation comments corresponding to said scene at which an unsafe action was performed to the operator's recorded performance (column 6 lines 5-12 of Aoki et al.), and wherein said display screen displays only the scene at which the unsafe action was performed and the performance evaluation comments (video display of Aoki et al.).

Referring to claim 3, Busse et al., as modified by Aoki et al., Walker et al. and Brink et al., discloses further comprising: a speaker (paragraph 0044: an audio speaker of Walker et al.) for reading the performance evaluation commentary aloud upon reproduction thereof on said display unit.

Referring to claim 6, Busse et al., as modified by Aoki et al., Walker et al. and Brink et al., discloses wherein the apparatus is operable without requiring input from any person other than the student operator during testing (rider/operator of Aoki et al.) & (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023 of Busse et al.) and replay (playback means of Aoki et al.).

8. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al./Aoki et al./Walker et al. and further in view of Scott et al. (U.S. Publication Number 2004/0009812).

Art Unit: 3715

Referring to claim 4, Aoki et al./Busse et al./Walker et al. discloses an interactive driving simulation apparatus according to claim 1 and in which the simulated operating environment and the performance evaluation commentary are simultaneously displayed thereon (see claim 1). Aoki et al./Busse et al./Walker et al. does not disclose wherein: said display unit is operable to pause the replay and to display a still-screen image.

However, Scott et al. teaches wherein: said display unit is operable to pause the replay (paragraph 0029) and to display a still-screen image (inherent function of pause: when you pause an image the display has a still-screen image). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pause the replay, as disclosed by Scott et al., incorporated into Aoki et al./Busse et al./Walker et al. in order for the instructor to discuss the driving situation with the user.

Referring to claim 5, Aoki et al./Busse et al./Walker et al. discloses an interactive driving simulation apparatus according to claim 1. Aoki et al./Busse et al./Walker et al. does not disclose wherein: said display unit reproduces a screen image recorded during a real-time simulation at a normal replay speed or temporarily pauses the replay and displays a still-screen image at a selected driving situation obtained from the driving route sequence, and performs fast-feeding replay or skipping replay at scenes other than the selected driving situation. However, Scott teaches wherein: said display unit (visual display 15) reproduces a screen image recorded during a real-time simulation at a normal replay speed or temporarily pauses the replay (paragraph 0029) and displays a still-screen image at a selected driving situation (inherent function of pause: when you pause an image the display has a still-screen image), and performs fast-feeding replay

Art Unit: 3715

or skipping replay at scenes other than the selected driving situation (fast-forward). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the limitations of the display unit, as disclosed by Scott, incorporated into Aoki et al./Busse et al./Walker et al. in order to analyze the driving situation.

9. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al., Aoki et al. (U.S. Patent Number 5,415,550), Walker et al., Brink et al. and Aoki et al. (2002-297017).

Referring to claim 7, Busse et al. discloses a recorder which records the specific performance data (paragraphs 0008 & 0020); automatically selects performance evaluation comments based on the comparison of the specific performance data with the base line performance data without requiring concurrent input from an outside source other than the operator (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023). Busse et al. does not disclose an electromechanical simulator which interacts with the student operator during performance of a driving route sequence, said electromechanical simulator comprising a support frame, a handlebar operatively connected to the support frame, a pedal mechanism operatively connected to the support frame, and a plurality of sensors for measuring student input and for generating data corresponding to a specific performance by the student operator; a processor which compares comparing the specific performance data to a set of base line performance data, the comparison of the specific performance data with the base line performance data and wherein a virtual environment is displayed as a screen image on the display unit based on a real-time driving route sequence of a simulated vehicle by

Art Unit: 3715

the student operator and a display unit comprising a display screen which simultaneously displays the simulated operating environment and the superimposed written text of performance evaluation comments when a portion of the driving route sequence is replayed on said display unit for each testing situation in which the operator's responses fail to perform at or above a specified level, wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed. However, Aoki ('550) teaches an electromechanical simulator (simulated motorcycle 300) which interacts with the student operator (rider) during performance of a driving route sequence, said electromechanical simulator comprising a support frame (body frame 302), a handlebar operatively connected to the support frame (steering handle 308), a pedal mechanism operatively connected to the support frame (inherent component of a motorcycle), and a plurality of sensors (column 5 lines 48-55) for measuring student input and for generating data corresponding to a specific performance by the student operator; a processor which compares comparing the specific performance data to a set of base line performance data, the comparison of the specific performance data with the base line performance data (column 20 lines 51-66) and wherein a virtual environment is displayed as a screen image on the display unit based on a real-time driving route sequence of a simulated vehicle by the student operator (Figs. 9A & 9B & the associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an electromechanical simulator, as disclosed by Aoki ('550), incorporated into Busse et al.

Art Unit: 3715

in order to provide an actual riding simulation apparatus. Busse et al./Aoki et al. ('550) does not disclose a display unit which simultaneously displays the simulated operating environment and the superimposed written text of performance evaluation comments when a portion of the driving route sequence is replayed on said display unit for each testing situation in which the operator's responses fail to perform at or above a specified level and wherein a virtual environment is displayed as a screen image on the display unit based on a real-time driving route sequence of a simulated vehicle by the student operator, and wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed. However, Walker et al. teaches a display unit which simultaneously displays the simulated operating environment and the superimposed auditory of performance evaluation comments when a portion of the driving route sequence is replayed on said display unit for each testing situation in which the operator's responses fail to perform at or above a specified level (paragraph 0287). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed auditory of performance evaluation comments when the driving route sequence is replayed on said display unit, as disclosed by Walker et al., incorporated into Busse et al./Aoki et al. ('550) in order to provide commentary along with the replay of a relevant portion of the game. Busse et al./Aoki et al.('550)/Walker et al. does not disclose written text and wherein a virtual environment is displayed as a screen image on the display

Art Unit: 3715

unit based on a real-time driving route sequence of a simulated vehicle by the student operator, and wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed. However, Brink et al. teaches several different types of communicating said comments (claim 14). All of the component parts are known in Walker et al. and Brink et al. The only difference is the combination of the "old elements" into a single device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include written text, as disclosed by Brink et al., incorporated into Busse et al./ Aoki et al. ('550)/Walker et al. in order to be able to make the game comments accommodating for all users. Also both Walker et al. and Brink et al. teaches methods for producing commentary, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of making the game comments accommodating for all users. Busse et al./ Aoki et al. ('550)/Walker et al./Brink et al. does not disclose a recorder which records the specific performance data, wherein said apparatus is capable of recording a specific performance of a driving routine and replaying the specific performance on said display unit after the real-time driving routine is completed. However, Aoki et al. (2002-297017) wherein a virtual environment as a screen image on a display unit based on a real-time driving routine of a simulated vehicle by the student operator (paragraph 0012: virtual experience), and wherein said apparatus is capable of recording a specific performance of a driving routine (storage means) and replaying the specific performance on said display unit after the real-time driving routine is completed

Art Unit: 3715

(playback). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording and playback, as disclosed by Aoki et al.

(2002-297017), incorporated into Busse et al./ Aoki et al. ('550)/Walker et al./Brink et al.. in order to memorize the current game state, as well as, present the game state to other individuals who might not be playing the game.

Referring to claim 8, Busse et al., as modified by Aoki et al. ('550)/Walker et al./Brink et al. and Aoki et al. (2002-297017), teaches wherein the apparatus is operable without requiring input from any person other than the student operator during testing (Rider/Operator of Aoki et al. (2002-297017)) & (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023 of Busse et al.) and replay (playback means of Aoki et al. (2002-297017)).

Referring to claim 9, Busse et al., as modified by Aoki et al. ('550)/Walker et al./Brink et al. and Aoki et al. (2002-297017), discloses wherein selected input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator, and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (input device 13 of Aoki ('550)).

Referring to claim 10, Busse et al., as modified by Aoki et al. ('550)/Walker et al./Brink et al. and Aoki et al. (2002-297017), discloses further comprising a speaker for generating an audible reproduction of the selected performance evaluation comments (column 4 lines 65-67 of Aoki et al. ('550)).

Art Unit: 3715

10. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al. in view of Huston et al. (U.S. Patent Number 6,146,143) and Walker et al..

Busse et al. discloses a) generating a prerecorded driving simulation course including a plurality of testing situations on a display screen of a driving simulator (paragraphs 0007-0009, 0020, 0021-0023, 0025, 0062, 0063, 0065 & 0066) and c) comparing the operator's responses to prerecorded base line data (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023). Busse et al. does not disclose b) recording the operator's real-time responses to each testing situation on a computer memory and d) replaying selected scenes from the simulation course on the display screen, c) comparing the operator's responses to prerecorded base line data and d) replaying selected scenes from the simulation course on the display screen superimposed with selected written text of automatically generated performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level, wherein said performance evaluation comments are determined without requiring concurrent input from an outside source other than the operator. However, Huston et al. teaches b) recording the operator's real-time responses to each testing situation on a computer memory (column 8 lines 37-56) and d) replaying selected scenes from the simulation course on the display screen (column 8 lines 40-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording and replaying, as disclosed by Huston et al., incorporated into Busse et al. in order to memorize and

Art Unit: 3715

review the condition date including the run state of the simulation car in time of simulation. Busse et al./Huston et al. does not disclose d) replaying selected scenes from the simulation course on the display screen superimposed with selected written text of automatically generated performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level, wherein said performance evaluation comments are determined without requiring concurrent input from an outside source other than the operator. However, Walker et al. teaches d) replaying selected scenes from the simulation course on the display screen superimposed with selected performance evaluation comments corresponding to the operator's recorded responses, for each testing situation in which the operator's responses fail to perform at or above a specified level (paragraph 0287). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include replaying, as disclosed by Walker et al., incorporated into Huston et al./Busse et al. in order to provide commentary along with the replay of a relevant portion of the game.

Referring to claim 12, Busse et al., as modified by Huston et al. and Walker et al., teaches the method is performable without requiring input from any person other than the student operator during testing and replay (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023 of Busse et al.).

Referring to claim 13, Busse et al., as modified Huston et al. and Walker et al., teaches further comprising a step of generating an audible performance evaluation commentary upon visual reproduction thereof on said display unit (paragraph 0287 of Walker et al.).

Art Unit: 3715

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al./Huston et al./Walker et al. and further in view of Scott et al. (U.S. Publication Number 2004/0009812).

Referring to claim 14, Busse et al./Huston et al./Walker et al. discloses the method of claim 11 and in when the simulated operating environment and the performance evaluation commentary are simultaneously displayed thereon (see claim 11). Busse et al./Huston et al./Walker et al. does not disclose wherein the replay is paused to display a still-screen image. In addition, since the apparatus displays the environment and commentary simultaneously and has the ability to playback this information, the information can be paused. However, Scott et al. teaches wherein the replay is paused to display a still-screen image (paragraph 0029) (inherent function of pause: when you pause an image the display has a still-screen image). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pause the replay, as disclosed by Scott et al., incorporated into Busse et al./Huston et al./Walker et al. in order for the instructor to discuss the driving situation with the user.

12. Claims 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busse et al., Aoki et al. (2002-297017), Aoki et al. (U.S. Patent Number 5,415,550), Walker et al. and Brink et al..

Referring to claim 1, Busse et al. discloses an interactive driving simulation apparatus (simulation module) which allows a student operator (player) to simulate driving a two-wheeled vehicle (paragraph 0022), wherein said apparatus is operable to display a virtual environment as a screen image on a display unit based on a real-time driving

Art Unit: 3715

routine of a simulated vehicle by the student operator (paragraph 0023) and a selector which automatically selects performance evaluation comments based on operator input in a simulated driving route sequence, by the driving operation of the operator in a driving route sequence determined in advance in a running route upon the simulation apparatus, without requiring concurrent input from an outside source other than the operator (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023). Busse et al. does not disclose wherein said apparatus is capable of recording a driving route sequence and replaying the driving route sequence on said display unit after the real-time driving routine is completed, said driving simulation apparatus comprising: an electromechanical simulator Simulation two-wheel barrow with which the student operator interacts during real-time performance of a driving operation, the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation and a display unit. However, Aoki et al. teaches wherein said apparatus is capable of recording a driving route sequence (storage means & paragraphs 0012 & 0021) and replaying the driving route sequence on said display unit after the real-time driving routine is completed (paragraphs 0015, 0016, 0022 & 0025), said driving simulation apparatus comprising: an electromechanical simulator (30) Simulation two-wheel barrow (simulation car) with which the student operator interacts during real-time performance of a driving operation, the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation (input interface 13) and a display unit (25 – display unit 28). It would have been obvious to one of ordinary skill

Art Unit: 3715

in the art at the time the invention was made to include recording and replaying, as disclosed by Aoki et al., incorporated into Busse et al. in order to memorize and review the condition data including the run state of the simulation car in time of simulation. Busse et al./Aoki et al. does not disclose wherein the display unit comprises a screen which simultaneously displays both the simulated operating environment and the superimposed written text of performance evaluation comments to the student operator when the driving route sequence is replayed on said display unit and wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator, and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance. However, Aoki et al. ('550) teaches an electromechanical simulator (30 Simulation two-wheel barrow (simulation car) with which the student operator interacts during real-time performance of a driving operation, the electromechanical simulator including input devices actuated by the student operator during the real-time performance of a driving operation (input device 13) and wherein the selected input devices are operable to perform a second set of functions which is different from the first set of functions during playback of a recorded performance (input device 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include input devices, as disclosed by Aoki et al. ('550), incorporated into Busse et al./Aoki (2002-297017) in order to be able to interact with the simulated two wheeled barrow. Busse et al./Aoki (2002-297017)/Aoki et al. does not

Art Unit: 3715

teach wherein the display unit comprises a screen which simultaneously displays both the simulated operating environment and the superimposed written text of performance evaluation comments to the student operator when the driving route sequence is replayed on said display unit and wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator. However, Walker et al. teaches wherein the display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed auditory of performance evaluation comments when the driving route sequence is replayed on said display unit (paragraph 0287). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the display unit comprises a screen which simultaneously displays the simulated operating environment and superimposed auditory of performance evaluation comments when the driving route sequence is replayed on said display unit, as disclosed by Walker et al., incorporated into Busse et al./Aoki (2002-297017)/Aoki et al. ('550) in order to provide commentary along with the replay of a relevant portion of the game. Busse et al./Aoki (2002-297017)/Aoki et al. ('550)/Walker et al. does not disclose written text and wherein selected input devices of the input devices of the electromechanical simulator are operable to perform a first set of functions during performance of a real-time driving route sequence by a student operator. However, Brink et al. teaches several different types of communicating said comments (claim 14). All of the component parts are known in Walker et al. and Brink et al. The only difference is the combination of the "old

Art Unit: 3715

elements" into a single device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include written text, as disclosed by Brink et al., incorporated into Busse et al./Aoki (2002-297017)/Aoki et al. ('550)/Walker et al. in order to be able to make the game comments accommodating for all users. Also both Walker et al. and Brink et al. teaches methods for producing commentary, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of making the game comments accommodating for all users.

Referring to claim 16, Busse et al., as modified by Aoki (2002-297017), Aoki et al. ('550), Walker et al. and Brink et al., discloses wherein the interactive driving simulator apparatus further comprises a pre-stored selection of performance evaluation comments (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023 of Busse et al.), and wherein the selector selects an appropriate one of the performance evaluation comments from the pre-stored plurality of performance evaluation comments based on the student operators performance during the driving route sequence (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023 Busse et al.).

Response to Arguments

13. Applicant's arguments, see Remarks, filed 8/11/2008, with respect to 35 USC 112 have been fully considered. Some of the rejections have been withdrawn and others still stand. See the 35 USC 112 rejection above.

14. Applicant's arguments with respect to claims 1-6, 15 & 16 have been considered but are moot in view of the new ground(s) of rejection. Further, the applicant's

Art Unit: 3715

arguments are not persuasive. In regards to performance evaluation comments, the applicant argues that Busse et al. does not disclose such a feature because selectable queries and associated statistics displayed to the player are not equivalent to the performance evaluation comments of the present invention. However, the examiner disagrees with the applicant's assertion because by using the broadest reasonable interpretation of "performance evaluation comments", the examiner has equated these comments to be nothing more than telling the player how well they have done.

Therefore in this case, the performance related statistics (abstract: season mode, paragraphs 0007, 0020, 0022 & 0023) in Busse et al. teach the claimed feature.

Further on page 17 of the Remarks, the applicant states that "performance evaluation comments of the present invention are constructive comments that aid the operator in assessing current skills so that the operator can constructively improve his or her driving skills." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., performance evaluation comments and/or constructive comments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, in response to applicant's argument that Walker et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re*

Art Unit: 3715

Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Walker et al. discloses that Walker is analogous art via the conclusion paragraphs 0289 & 0290. On page 18 of the Remarks regarding Brink et al., the applicant suggests that the Brink et al. reference teaches away from the present invention, thus providing prima facie evidence of non-obviousness and also provides another example of non-analogous art. The applicant states that Brink et al. fails to disclose a system that operates without requiring any input from the instructor or outside source, other than the operator being tested. The examiner has not used Brink et al. to teach this feature, Brink et al. was used to teach the different ways of communicating comments. Therefore, the applicant's teaching away argument is moot. In response to applicant's argument that Brink et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Brink et al. discloses that the present invention relates to the field of skill based games (paragraph 0001). Therefore, Brink et al. is analogous art. Regarding claims 7-10, the applicant argues that the above references singly or in combination discloses the simultaneous display of simulated operating environment and performance evaluation comments, either audio or visual, which do not require any input from an outside source other than the operator being tested and that Aoki et al, does not disclose automatically selecting performance evaluation comments. For the sake of brevity, see the above arguments and rationale

Art Unit: 3715

used in regards to claims 1-3 & 6. Further, the examiner did not rely on Aoki et al. for disclosing automatically selecting performance evaluation comments. The examiner relied on Busse et al, so the applicant's argument is moot. Regarding claims 11-13, 15 & 16, the applicant states that the rejection of claims 15 & 16 are overcome for substantially the same reasons provided in relation to claims 1-6 above. The rationale and arguments applied to claims 1-6 are also applied to claims 15 & 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KESHA FRISBY whose telephone number is (571)272-8774. The examiner can normally be reached on Monday-Friday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3715

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

/K. F./
Examiner, Art Unit 3715